



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,326	01/25/2006	Sean Geoffrey Maddox	0188	1635

38235 7590 04/06/2010
MEADWESTVACO CORPORATION
ATTN: IP LEGAL DEPARTMENT
1021 Main Campus Drive
Raleigh, NC 27606

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
----------	--------------

3673

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/06/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/540,326</p>	<p>Applicant(s) MADDOX ET AL.</p>	
	<p>Examiner CHRISTOPHER BOSWELL</p>	<p>Art Unit 3673</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 29-31.
Claim(s) objected to: 24-26.
Claim(s) rejected: 15-23, 27, 28 and 33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Carlos Lugo/
Primary Examiner, Art Unit 3673

Continuation of 11. does NOT place the application in condition for allowance because: In response to the argument that Farrar et al. do not disclose that when an article is received in the receptacle may extend beyond the apparatus in the third direction and may extend beyond the apparatus in a fourth direction opposite the third direction, the examiner respectfully disagrees. Farrar et al. discloses, as stated by the applicant, in order to release the device 8A from the case, the case is brought up to a magnetic release device 25 which is shaped so as to align a first part 25A adjacent the case in alignment with the spring arm 18 so as to draw the arm 18 out of engagement within the projection 23 and to align a second part 25B with the head 11A of the device so the magnetic pull on the end piece 10 of the metal insert 16 withdraws the device 8A from the case at least far enough to prevent re-engagement of the spring arm 18 with the projection 23. The device 8A can then be withdrawn from the case. The magnetic release device 25 thus applies a first magnetic force in a first direction to release the locking device formed by the spring arm 18 and projection 23 and a second magnetic force in a second direction to withdraw the security device from the case at least far enough to prevent re-engagement of the locking device when it is no longer held in a release position by the first magnetic force. The security device can then be withdrawn from the case manually or the second magnetic force may be used to pull it out of the case. The magnetic release device 25 can be provided adjacent a sales till in a store for use only by sales staff. Once the security device 8A has been withdrawn, the case and the disk held therein can be taken from the store by a customer without triggering an alarm. The security device 8A can then be re-used in another case. However, Farrar et al. does not disclose that magnetic release device 25 bounds the device in any other directions other than those established by parts 25A and 25B, leaving one to conclude that it is inherent within the cited passage that the third and fourth directions are not restrained in any manner. Additionally, the applicant mischaracterized the reference by suggesting the magnetic release device shown in figures 34-37 is the same as magnetic release device 25, as the two are separate and distinct embodiments characterized by the use of different reference numerals. Moreover, the cross-section itself is not sufficient to conclude that the third and fourth directions are restrained.